

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN RE: EDGAR A. MARTINEZ ROSARIO GRISELLE M. COVAS TORO DEBTOR(S)	CASE NUMBER: 08-08071 GAC CHAPTER 13 ASSET CASE
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DEBTOR'S MOTION UNDER SECTION 1329 OF THE BANKRUPTCY CODE

THE HONORABLE COURT:

COMES NOW, Debtor (s) through the undersigned attorney and respectfully ALLEGES and PRAYS:

1. That debtor (s) filed and circulated a MODIFIED PLAN to all parties in interest.

2. That the modification is based in that the Debtor (s) wants to amend their plan in order to:

a. Debtor surrendered the collaterals to Doral Bank and arrangements were made in schedules I and J therefore amending the chapter 13 plan accordingly.

3. Debtor (s) amend plan calls for a total of \$14,250.00 within thirty (30) months, twelve (12) payments of \$300.00 and eighteen (18) payments of \$375.00 for a total base of \$24,600.00 dollars with a provision for the payment to paid in full BBVA, account ending number-2166 and surrender collateral to Doral Bank.

4. Debtor (s) are still is interested in continuing with the bankruptcy procedures and proof if the amendment of the plan in order to comply with the disbursement schedules.

WHEREFORE, Debtor (s) respectfully request from this Honorable Court to accept this motion and grant debtor (s) the opportunity to modify the confirmed plan according to 11 US 1329 and provide any other remedy it may deem appropriate.

EDGAR MARTINEZ ROSARIO
GRISELL M. COVAS TORO
CASE NO.: 08-08071 GAC
Page 2
DEBTOR'S MOTION UNDER SECTION 1329 OF THE BANKRUPTCY CODE

NOTICE

"Parties in interest are notified the have twenty one (21) days to reject a proposed modification of a plan and request a hearing. If no opposition is filed within the prescribed period of time, the Court will enter and order granting the motion upon the filing of a certificated of service by the movant that adequate notice was given. Should and apposition be timely filed. The Court will schedule the motion for a hearing as a contested matter. Absent good cause, untimely rejections shall be denied".

In San Juan, Puerto Rico, this *24th*, day of May, 2011.

RESPECTFULLY SUBMITTED.

/s/ Marilyn Valdes Ortega
MARILYN VALDES ORTEGA

USDC PR 214711
P.O. Box 19559
San Juan, PR 00919-5596
Tel. (787) 758-4400
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E-mail valdeslaw@prtc.net

**United States Bankruptcy Court
District of Puerto Rico**

IN RE:

Case No. **08-08071 GAC**

MARTINEZ ROSARIO, EDGAR AMERICO & COVAS TORO, GRISELL MARIE

Chapter **13**

Debtor(s)

AMENDED CHAPTER 13 PAYMENT PLAN

1. The future earnings of the Debtor(s) are submitted to the supervision and control of the Trustee and the Debtor(s) shall make payments to the Trustee ☐ directly ☒ by payroll deductions as hereinafter provided in the PAYMENT PLAN SCHEDULE.
2. The Trustee shall distribute the funds so received as hereinafter provided in the DISBURSEMENT SCHEDULE.

PLAN DATED: _____ <input checked="" type="checkbox"/> AMENDED PLAN DATED: 5/24/2009 <input type="checkbox"/> PRE <input type="checkbox"/> POST-CONFIRMATION Filed by: <input checked="" type="checkbox"/> Debtor <input type="checkbox"/> Trustee <input type="checkbox"/> Other																														
<p align="center">I. PAYMENT PLAN SCHEDULE</p> <p>\$ <u>14,250.00</u> within 30 Months 14,250.00</p> <table style="width:100%;"> <tr> <td>\$ 300.00</td> <td>x</td> <td>12</td> <td>= \$</td> <td>3,600.00</td> </tr> <tr> <td>\$ 375.00</td> <td>x</td> <td>18</td> <td>= \$</td> <td>6,750.00</td> </tr> <tr> <td>\$ _____</td> <td>x</td> <td>_____</td> <td>= \$</td> <td>_____</td> </tr> <tr> <td>\$ _____</td> <td>x</td> <td>_____</td> <td>= \$</td> <td>_____</td> </tr> </table> <p align="right">TOTAL: \$ 24,600.00</p> <p>Additional Payments: \$ _____ to be paid as a LUMP SUM within _____ with proceeds to come from: _____</p> <p><input type="checkbox"/> Sale of Property identified as follows: _____ _____</p> <p><input type="checkbox"/> Other: _____ _____</p> <p>Periodic Payments to be made other than, and in addition to the above: \$ _____ x _____ = \$ _____</p> <p align="right">PROPOSED BASE: \$ 24,600.00</p> <p align="center">III. ATTORNEY'S FEES (Treated as § 507 Priorities)</p> <p>Outstanding balance as per Rule 2016(b) Fee Disclosure Statement: \$ 3,350.00 Additional Fees 350.00 Balance 3,700.00</p> <p>Signed: <u>/s/ EDGAR AMERICO MARTINEZ ROSAR</u> Debtor</p> <p><u>/s/ GRISELL MARIE COVAS TORO</u> Joint Debtor</p>	\$ 300.00	x	12	= \$	3,600.00	\$ 375.00	x	18	= \$	6,750.00	\$ _____	x	_____	= \$	_____	\$ _____	x	_____	= \$	_____	<p align="center">II. DISBURSEMENT SCHEDULE</p> <p>A. ADEQUATE PROTECTION PAYMENTS OR _____ \$ _____</p> <p>B. SECURED CLAIMS: <input type="checkbox"/> Debtor represents no secured claims. <input checked="" type="checkbox"/> Creditors having secured claims will retain their liens and shall be paid as follows:</p> <ol style="list-style-type: none"> 1. <input type="checkbox"/> Trustee pays secured ARREARS: Cr. _____ Cr. _____ Cr. _____ # _____ # _____ # _____ \$ _____ \$ _____ \$ _____ 2. <input checked="" type="checkbox"/> Trustee pays IN FULL Secured Claims: Cr. BBVA BANCO Cr. _____ Cr. _____ # 2166 # _____ # _____ \$ 6,501.18 \$ _____ \$ _____ 3. <input type="checkbox"/> Trustee pays VALUE OF COLLATERAL: Cr. _____ Cr. _____ Cr. _____ # _____ # _____ # _____ \$ _____ \$ _____ \$ _____ 4. <input checked="" type="checkbox"/> Debtor SURRENDERS COLLATERAL to Lien Holder: DORAL BANK 5. <input type="checkbox"/> Other: _____ 6. <input type="checkbox"/> Debtor otherwise maintains regular payments directly to: _____ <p>C. PRIORITIES: The Trustee shall pay priorities in accordance with the law. 11 U.S.C. § 507 and § 1322(a)(2)</p> <p>D. UNSECURED CLAIMS: Plan <input type="checkbox"/> Classifies <input checked="" type="checkbox"/> Does not Classify Claims.</p> <p>1. (a) Class A: <input type="checkbox"/> Co-debtor Claims / <input type="checkbox"/> Other: _____ <input type="checkbox"/> Paid 100% / <input type="checkbox"/> Other: _____</p> <table style="width:100%;"> <tr> <td>Cr. _____</td> <td>Cr. _____</td> <td>Cr. _____</td> </tr> <tr> <td># _____</td> <td># _____</td> <td># _____</td> </tr> <tr> <td>\$ _____</td> <td>\$ _____</td> <td>\$ _____</td> </tr> </table> <p>2. Unsecured Claims otherwise receive PRO-RATA disbursements.</p> <p>OTHER PROVISIONS: (Executory contracts; payment of interest to unsecureds, etc.) See Continuation Sheet</p>	Cr. _____	Cr. _____	Cr. _____	# _____	# _____	# _____	\$ _____	\$ _____	\$ _____
\$ 300.00	x	12	= \$	3,600.00																										
\$ 375.00	x	18	= \$	6,750.00																										
\$ _____	x	_____	= \$	_____																										
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Cr. _____	Cr. _____	Cr. _____																												
# _____	# _____	# _____																												
\$ _____	\$ _____	\$ _____																												

Attorney for Debtor **Marilyn Valdes Ortega Law Offices**

Phone: **(787) 758-4400**

AMENDED CHAPTER 13 PAYMENT PLAN

Continuation Sheet - Page 1 of 1

TRUSTEE TO PAY ATTORNEY'S FEES BEFORE ANY SECURED OR PRIORITY CREDITOR.

ADEQUATE PROTECTION PAYMENT TO BBVA (AUTO) UNTIL CONFIRMATION \$50.00 TO BE PAID BY TRUSTEE MONTHLY.

INSURANCE TO BBVA (AUTO) THROUGH UNIVERSAL AT THE END OF SALES CONTRACT IN THE APPROXIMATE AMOUNT OF \$1,760.00 DISBURSEMENT TO UNIVERSAL INSURANCE TO BEGIN AT END OF THE SALES CONTRACT ON MARCH 2009

DEBTOR PROVIDES FOR THE LIFT OF STAY IN FAVOR OF DORAL FINANCIAL CORPORATION (MORTGAGE LOAN) FOR THE ACCOUNT ENDING # 0644

DEBTOR PROVIDES FOR THE LIFT OF STAY IN FAVOR OF DORAL BANK (MORTGAGE LOAN) FOR THE ACCOUNT ENDING #6762

PRIOR TO THE INSTANT AMENDMENT TO THE PLAN, TRUSTEE PAID THE SECURED CREDITOR DORAL BANK THE AMOUNT OF \$6,280.83

ANY POST PETITION INCOME TAX REFUND THAT DEBTOR(S) WOULD BE ENTITLED TO RECEIVE FROM THE FILING OF POST CONFIRMATION OF PLAN WILL BE USED TO FUND THIS PLAN. AFTER ITS CONFIRMATION, AND WITHOUT FURTHER NOTICE, HEARING OR COURT ORDER, THE PLAN SHALL BE DEEMED MODIFIED BY THE INCREMENT(S) TO ITS BASE, IN AN AMOUNT EQUAL TO THE AMOUNT OF EACH INCOME TAX REFUND.

I HEREBY CERTIFY: That I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

08-08071-BKT13 Notice will be electronically mailed to:

MONSITA LECAROS ARRIBAS
ustpregion21.hr.ecf@usdoj.gov

ALEJANDRO OLIVERAS RIVERA
aorecf@chl3sju.com

MARILYN VALDES ORTEGA on behalf of Debtor EDGAR A. MARTINEZ
ROSARIO
valdeslaw@prtc.net

I HEREBY CERTIFY: That I have mailed by regular mail to all creditors listed.

08-08071-BKT13 Notice will not be electronically mailed to:

ASUME
PO BOX 71316
SAN JUAN, PR 00936-8416

DEPARTAMENTO DEL TRABAJO
AVE. MUÑOZ RIVERA 505
HATO REY, PR 00918

AUTORIDAD DE ACUEDUCTOS Y
ALCANTARILLADO
PO BOX 70101
SAN JUAN, PR 00936-8101

DORAL BANK
PO BOX 71528
SAN JUAN, PR 00936-8628

CENTENIAL DE PUERTO RICO
PO BOX 71514
SAN JUAN, PR 00936

FEDERAL LITIGATION DEPT OF
JUSTICE
PO BOX 9020192
SAN JUAN, PR 00902-0192

CRIM
PO BOX 195387
SAN JUAN, PR 00919-5387

MUNICIPIO DE TOA BAJA
P.O. BOX 2359
TOA BAJA, PR 00951-0082

DEPARTAMENTO DE HACIENDA
PO BOX 9024140
OFICINA 424 B
SAN JUAN, PR 00902-4140

WILNELIA AVILES ROSARIO
RR3 BOX 8750-31
TOA ALTA, PR 00953